

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

23 ta' Frar, 1999

ATT Nru. II ta' l-1999

ATT biex jemenda l-Att dwar is-Sigurtà Soċjali, Kap. 318.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f' dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:-

1. (1) Dan l-Att għandu jissejjah l-Att ta' l-1999 li jemenda l-Att dwar is-Sigurtà Soċjali, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu u bidu
fis-sehh.

(2) (a) Il-paragrafu (a) ta' l-artikolu 2, u l-artikoli 4, 5, 17, 18 u 19 għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-Politika Soċjali jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistgħu jiġu hekk stabbiliti għal dispozizzjonijiet differenti jew għall-għanijiet differenti ta' dak il-paragrafu jew dawk l-artikoli.

(b) Il-paragrafi (b), (ċ) u (d) ta' l-artikolu 2, l-artikoli 7, 8, 10, 11, 12, 15 u l-artikolu 20 għandhom jitqiesu li bdew isehħu fit-3 ta' Jannar, 1998.

(c) L-artikolu 9 ghandu jitqies li beda jsehħ fis-6 ta' Jannar, 1996.

(d) L-artikolu 3 u l-artikolu 6 ghandhom jitqiesu li bdew isehħu fil-5 ta' Jannar, 1998.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

2. L-artikolu 2 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:-

(a) minflok it-tifsira ta' "Direttur" ghandha tidhol din it-tifsira li ġejja:-

“ “Direttur” f'dan l-Att jew dwar id-dispożizzjonijiet tiegħu, minbarra dawk ta' l-artikoli 3 sa 11, iż-żewġ artikoli inklużi, l-artikoli 13, 14, 15 u 116, is-subartikolu (2) ta' l-artikolu 117, l-artikolu 123 u s-subartikoli (1) u (2) ta' l-artikolu 124, u sakemm ma jiġiex provdut xort' ohra, tfisser id-Direttur (Sigurtà Soċjali) u tinkludi kull uffiċjal tad-Dipartiment appuntat minnu jew kull uffiċjali pubbliku appuntat mill-Ministru għal xi skop partikolari, jew kategorija ta' skopijiet; u f'dan l-Att jew dwar id-dispożizzjonijiet tiegħu, u sakemm ma jiġix provdut xort'ohra, Direttur tfisser il-Kummissarju tat-Taxxi Interni u tinkludi kull uffiċjal fid-dipartiment tiegħu appuntat minnu:

Izda fid-dispożizzjonijiet jew dwar id-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 114 u ta' l-artikoli 119, 120, 121, 122, 125 u 133, il-kelma Direttur tfisser sew id-Direttur (Sigurtà Soċjali) sew il-Kummissarju tat-Taxxi Interni, jew kull wiehed minnhom, skond ma jkun jehtieg il-każ;”;

(b) it-tifsira ta' "persuna għamja" ghandha tithassar u minflok ghandha tidhol din it-tifsira ġdida li ġejja:-

“ “persuna b'vista batuta” tfisser persuna li l-vista tagħha tkun ċertifikata minn oftalmologu li tant tkun baxxa li ma thallix li dik il-persuna tagħmel xi xogħol li għalih il-vista tkun essenzjali;”;

(c) fit-tifsira ta' "persuna gravament handikappata", fil-paragrafu (c) minnufih wara l-kliem "*Huntingtons Chorea;*" ghandhom jiżdiedu l-kliem "*Cystic Fibrosis;*" u "*TC II Deficiency;*" u

(d) minnufih wara t-tifsira ta' "Arbitru" ghandha tidhol din it-tifsira ġdida li ġejja:-

“armla” tfisser konjugi li jibqa’ jghix, sew armla sew armel, ta’ koppja mizzewġa li minnufih qabel ma jormol kellu jedd legali għall-manteniment mill-konjugi l-iehor u għar-rigward ta’ armla, kull fejn din tidher, raġel mizzewweġ tinkludi mara mizzewġa;”.

3. Fis-subartikolu (2) ta’ l-artikolu 7 ta’ l-Att prinċipali, minnufih wara l-kliem “mhallas mill-impjegat u mill-prinċipal tiegħu.” għandhom jiżdiedu dawn il-kliem li ġejjin, “B’dan illi, meta prinċipal jintrabat, mal-Korporazzjoni ta’ Xogħol u Tahriġ taht l-Att dwar is-Servizzi ta’ Impieg u Tahriġ, li jimpjega miegħu persuna li jkollha iktar minn erbghin sena u li tkun ilha tirreġistra għal iktar minn sena taht l-Ewwel Taqsima tar-Registru miżmum skond il-dispożizzjonijiet ta’ l-Att dwar is-Servizzi ta’ Impieg u Tahriġ, dak il-prinċipal ikollu jedd li jikseb lura minghand dik il-korporazzjoni somma ekwivalenti għal hamsa u ghoxrin fil-mija mir-rata ta’ kontribuzzjoni mhallsa mill-prinċipal, bhala s-sehem tiegħu għar-rigward ta’ dak l-impjegat, skond ma hemm fit-Taqsima I ta’ l-Għaxar Skeda li tinsab ma’ dan l-Att.”.

Emenda ta’ l-artikolu 7 ta’ l-Att prinċipali.

Kap. 343.

4. Fl-artikolu 9 ta’ l-Att prinċipali, minflok il-kliem “b’dak il-mod kif jista’ jiġi deciz mid-Direttur f’konsultazzjoni mal-Kummissarju tat-Taxxi Interni jew b’dak il-mod iehor li l-Ministru jista’ jistabbilixxi minn zmien għal zmien bi ftehim mal-Ministru responsabbli għall-finanzi” għandhom jidhlu l-kliem “b’dak il-mod kif jista’ minn zmien għal zmien jiġi deciz mid-Direttur”.

Emenda ta’ l-artikolu 9 ta’ l-Att prinċipali.

5. Fl-artikolu 11 ta’ l-Att prinċipali, minflok il-kliem “b’dak il-mod kif jista’ jiġi deciz mid-Direttur b’konsultazzjoni mal-Kummissarju tat-Taxxi Interni jew b’dak il-mod iehor li l-Ministru jista’ jistabbilixxi minn zmien għal zmien bi ftehim mal-Ministru responsabbli għall-finanzi”, għandhom jidhlu l-kliem “b’dak il-mod kif jista’ minn zmien għal zmien jiġi deciz mid-Direttur”.

Emenda ta’ l-artikolu 11 ta’ l-Att prinċipali.

6. Fl-artikolu 15 ta’ l-Att prinċipali, minnflok wara s-subartikolu (3) għandu jiżdied dan is-subartikolu (4) ġdid li ġejj:-

Emenda ta’ l-artikolu 15 ta’ l-Att prinċipali.

“(4) B’senh mill-5 ta’ Jannar, 1998, persuna li timpjega lilha nnifisha li tkun tagħmilha ta’ assistent soċjali każwali mad-Dipartiment għall-Kura ta’ l-Anzjani, ikollha jedd li tiġbor lura minghand id-Direttur għall-Kura ta’ l-Anzjani daqs kemm tkun tiswa ż-żieda fir-rata tal-kontribuzzjoni tas-Sigurtà Soċjali li tithallas minn dik il-persuna b’riżultat taż-żieda għall-gholi tal-hajja mogħtija mill-Gvern bir-rata tal-Paga Minima Nazzjonali li tithallas lil persuni li jkollhom jew li jkunu għalqu t-tmintax il-sena taht id-dispożizzjonijiet ta’ l-Att li Jirregola l-Kondizzjonijiet ta’ l-Impieg.”.

Kap. 135.

A 6

Emenda ta' l-artikolu 27 ta' l-Att prinċipali.

7. Fis-subartikolu (2) ta' l-artikolu 27 ta' l-Att prinċipali:-

(a) minflok il-kliem “persuna għamja” għandhom jidhlu l-kliem “persuna b’vista batuta”;

(b) minflok il-kliem “li hi għamja” għandhom jidhlu l-kliem “li għandha vista batuta”; u

(ċ) minflok il-kliem “Pensjoni għall-Għomja” għandhom jidhlu l-kliem “Pensjoni għal Persuni b’Vista Batuta”.

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

8. Fis-subartikolu (1) ta' l-artikolu 28 ta' l-Att prinċipali, minflok il-kliem minn “Izda aktar - ” sal-kliem “ (b) meta persuna -”għandhom jidhlu l-kliem “Izda aktar meta persuna:-”.

Emenda ta' l-artikolu 33A ta' l-Att prinċipali.

9. L-artikolu 33A ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “minn żewġ terzi tad-dhul pensjonabbli tar-raġel.” għandhom jidhlu l-kliem “mill-Pensjoni ta’ Żewġ Terzi li kienet tithallas jew li kieku kienet tithallas lir-raġel mejjet skond it-Taqsima V ta’ dan l-Att.”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “ta’ żewġ terzi tad-dhul pensjonabbli ta’ żewġha.” għandhom jidhlu l-kliem “tal-Pensjoni ta’ Żewġ Terzi li kienet tithallas jew li kieku kienet tithallas lir-raġel mejjet skond it-Taqsima V ta’ dan l-Att.”.

Emenda ta' l-artikolu 43 ta' l-Att prinċipali.

10. Fl-artikolu 43 ta' l-Att prinċipali, minflok il-kliem “Id-dispożizzjonijiet ta’ qabel ta’ din it-Taqsima,” sal-kliem “li jkun parti mill-familja tiegħu.” għandhom jidhlu l-kliem “id-dispożizzjonijiet ta’ qabel ta’ din it-Taqsima għandhom, *mutatis mutandis*, japplikaw ukoll fil-każ ta’ armel.”.

Emenda ta' l-artikolu 53 ta' l-Att prinċipali.

11. Is-subartikolu (1) ta' l-artikolu 53 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fil-paragrafu (ii) tiegħu, minflok il-kliem “għal dak in-numru ta’ snin inqas minn tletin sena,” għandhom jidhlu l-kliem “għal dak l-għadd ta’ snin anqas, jew”; u

(b) minnufih wara l-paragrafu (ii) tiegħu, għandu jidded dan il-paragrafu ġdid li ġej:-

“(iii) fl-ghoti ta’ Pensjoni ta’ Superstiti skond il-proviso li hemm mal-artikolu 34 ta’ dan l-Att, ghal dak l-ghadd iehor ta’ snin anqas li jista’ jkun jikkorrispondi għall-ghadd ta’ snin li jghaddu minn meta l-konjugi mejjet kellu tmintax il-sena sad-data ta’ mewtu.”.

12. Fl-artikolu 77 ta’ l-Att prinċipali, minflok il-kliem “jew persuna għamja skond id-dispożizzjonijiet ta’ dan l-Att.” għandhom jidhlu l-kliem “jew persuna b’vista batuta skond id-dispożizzjonijiet ta’ dan l-Att.” u, fil-proviso li hemm miegħu, minflok il-kliem “tifel għami” għandhom jidhlu l-kliem “tifel b’vista batuta” u, fit-tieni proviso li hemm miegħu, minflok il-kliem “fil-każ ta’ tifel għami” għandhom jidhlu l-kliem “fil-każ ta’ tifel b’vista batuta”.

Emenda ta’ l-artikolu 77 ta’ l-Att prinċipali.

13. L-artikolu 84 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta’ l-artikolu 84 ta’ l-Att prinċipali.

(a) id-dispożizzjoni preżenti għandha tiġi emendata mill-ġdid bhala s-subartikolu (1) ta’ l-artikolu; u

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jiddied dan is-subartikolu ġdid li ġej:-

“(2) Għall-għanijiet tas-subartikolu (1) ta’ dan l-artikolu, il-Ministru jista’ b’dawk ir-regolamenti jemenda jew jissostitwixxi kull skeda li tinsab ma’ dan l-Att jew indici relattiv.”.

14. Minnufih wara l-artikolu 84 ta’ l-Att prinċipali għandu jiddied dan l-artikolu ġdid li ġej:-

Zieda ta’ l-artikolu 84A ġdid ma’ l-Att prinċipali.

“Sussidji għal Day Care Centres.

84A. Il-Ministru jista’ minn żmien għal żmien b’regolamenti taht dan l-artikolu, jistabbilixxi skemi, li bihom jistgħu jithallsu sussidji mid-Direttur, dwar tfal li jkun qeghdin jattendu f’ *Child Day Care Centres* immexxija mill-Gvern jew f’kull istituzzjoni oħra hekk kif tista’ tiġi speċifikata fir-regolamenti, u jista’ b’dawk ir-regolamenti jippreskrivi l-ammont ta’ sussidju, il-persuna li lilha għandu jithallas dak is-sussidju, u l-mod kif dik il-persuna għandu jitqies il-jedd li jkollha. Dak is-sussidju għandu f’kull każ jithallas direttament lill-istituzzjoni li tkun qed tmexxi dak iċ-ċentru u m’għandux jitqies meta jkun qed jiġi kalkolat id-dhul tal-kap tal-familja li tagħha jkun jagħmel sehem it-tifel għall-għanijiet ta’ din il-liġi jew ta’ kull liġi oħra.”.

15. Fil-paragrafu (ii) tat-tieni proviso li hemm mas-subartikolu (2) ta’ l-artikolu 97 ta’ l-Att prinċipali, minflok il-kliem “riċevuta fil-hin jekk dak id-dewmien ma jkunx iżjed minn perijodu ta’ erba’ ġimgħat.” għandhom jidhlu l-kliem “riċevuta fl-hin, jew

Emenda ta’ l-artikolu 97 ta’ l-Att prinċipali.

(a) jekk dak id-dewmien ma jkunx iżjed minn perijodu ta' mija u erba' gimghat, jew

(b) fil-każ ta' *Allowance* Ghal Tifel B'Dizabilità jekk id-dewmien kien minhabba fiż-żmien mehud biex tiġi proċessata l-prova medika konklużiva ta' dik id-dizabilità, jew

(c) fil-każ ta' *Allowance* tat-Tfal, jekk dik l-*allowance* kienet qed tithallas qabel l-ewwel Sibb ta' Lulju, 1996 u d-Direttur ikun sodisfatt li l-benefiċjarju ma kienx intalab jagħmel dikjarazzjoni skond id-dispożizzjonijiet tat-Taqsima VII tat-Tieni Skeda li tinsab ma' dan l-Att.”.

Emenda ta' l-
artikolu 102 ta' l-
Att prinċipali.

16. Minnufih wara s-subartikolu (3) ta' l-artikolu 102 ta' l-Att prinċipali, għandu jżdid dan is-subartikolu (4) ġdid li ġej: —

“(4) Meta persuna li tkun tirċievi xi benefiċċju, pensjoni, *allowance* jew għajjnuna li tithallas taht dan l-Att tkun irċeviet xi ammont bhala benefiċċju, pensjoni, *allowance* jew għajjnuna taht dan l-Att, u sussegwentement ikollha jedd għal xi ammont f'daqqa bhala arretrati ta' xi benefiċċju, pensjoni, *allowance* jew għajjnuna li tithallas taht dan l-Att bhala riżultat ta' xi revizzjoni, stima mill-ġdid jew jedd għal xi benefiċċju, pensjoni jew *allowance* godda taht dan l-Att, għaldaqshekk kull ammont li jkun għadu dovut biex jithallas lura skond is-subartikolu (1) ta' an l-artikolu għandu, daqskemm dak l-ammont jista' jiġi hekk imnaqqas, jiġi mnaqqas minn kull arretrati li hija tista' sussegwentement ikollha jedd għalihom kif imsemmi qabel.”.

Emenda ta' l-
artikolu 125 ta' l-
Att prinċipali.

17. Fis-subartikolu (1) ta' l-artikolu 125 ta' l-Att prinċipali, il-kliem “jew lill-Kummissarju tat-Taxxi Interni f'isem id-Direttur,” għandhom jithassru.

Sostituzzjoni ta' l-
artikolu 132 ta' l-
Att prinċipali.

18. Minflok l-artikolu 132 ta' l-Att prinċipali għandu jidhol dan li ġej:

“132. (1) L-amministrazzjoni ta' dan l-Att qiegħed fid-Direttur (Sigurtà Soċjali) jew, skond il-htieġa tal-każ, fil-Kummissarju tat-Taxxi Interni.

(2) B'żieda ma' kull funzjoni ohra jew dmir ieħor li jmissu lilu b'xi liġi ohra, jew bis-sahħa ta' xi liġi ohra, id-Direttur (Sigurtà Soċjali) għandu, bla ħsara għad-direzzjoni u l-kontroll tal-Ministeru, jagħmel dawk il-funzjonijiet u dmirijiet li minn żmien għal żmien il-Gvern jista' jordnalu.”.

19. L-artikolu 133 ta' l-Att prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 133 ta' l-Att prinċipali.

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “tad-Dipartiment” għandhom jidhlu l-kliem “tad-Dipartiment tiegħu”;
u

(b) fit-tieni proviso li hemm mal-paragrafu (b) tiegħu, wara l-kliem “tad-Dipartiment” għandha tiżdied il-kelma “involut”.

20. It-Tieni Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:— Emenda tat-Tieni Skeda li tinsab ma' l-Att prinċipali.

(a) minflok is-sub-paragrafu (b) tal-paragrafu 4 tat-Taqsima II tagħha, għandu jidhol dan li ġej:—

“(b) xi Ghajnuna Soċjali, Ghajnuna dwar il-Lebbra, Ghajnuna dwar it-Tuberkulozi, Ghotja għal Halib u Ghajnuna għal Mard li jithallsu taht dan l-Att u xi pensjoni jew pensjonijiet (sew jekk imhallsin taht dan l-Att sew jekk le) sa ammont massimu totali ekwivalenti għall-ghadd kollu ta' l-oghla rata tal-Pensjoni Minima Nazzjonali, inkluża l-*Allowance* Addizzjonali li tithallas skond l-istat ċivili ta' min ikun qed jagħmel it-talba kif imsemmi fit-Tnax-il Skeda li tinsab ma' dan l-Att;”;

(b) fis-sub-paragrafu (d) tal-paragrafu 4 tat-Taqsima II, fis-sub-paragrafu (d) tal-paragrafu 4 tat-Taqsima III, u fis-sub-paragrafu (d) tal-paragrafu 2 tat-Taqsima VIII rispettivament tagħha, minflok il-kliem “76.8%” għandhom jidhlu l-kliem “78.3%” kull fejn dawn jinsabu;

(ċ) minflok is-sub-paragrafu (b) tal-paragrafu 4 tat-Taqsima III tagħha, għandu jidhol dan li ġej:—

“(b) xi Ghajnuna Soċjali, Ghajnuna dwar il-Lebbra, Ghajnuna dwar it-Tuberkulozi, Ghotja għal Halib u Ghajnuna għal Mard li jithallsu taht dan l-Att u xi pensjoni jew pensjonijiet (sew jekk imhallsin taht dan l-Att sew jekk le) sa ammont massimu totali ekwivalenti għall-ghadd kollu ta' l-oghla rata tal-Pensjoni Minima Nazzjonali, inkluża l-*Allowance* Addizzjonali li tithallas skond l-istat ċivili ta' min ikun qed jagħmel it-talba kif imsemmi fit-Tnax-il Skeda li tinsab ma' dan l-Att;”;

(d) fil-paragrafu 4 tat-Taqsima V taghha, minflok il-kliem “Pensjoni għall-Ghomja” ghandhom jidhlu l-kliem “Pensjoni għal Persuni b’Vista Batuta”;

(e) fis-sub-paragrafu (a) tal-paragrafu 1 tat-Taqsima VII taghha, minflok il-kliem “u kull dhul jew privileġġ li jiġi riċevut jew li jitgawda mill-kap tal-familja u martu.” ghandhom jidhlu l-kliem “u kull dhul jew privileġġ, li jiġi jew li jista’ jiġi riċevut mill-kap tal-familja u mill-konjuġi tiegħu jew taghha. U għal dan l-għan dak il-privileġġ għandu jkun jinkludi kull profitt miżmum li jkollha xi kumpannija jew impriża kummerċjali ohra li taghha l-kap tal-familja u l-konjuġi tiegħu jew taghha jkunu azzjonisti jew sidien, kemm-il darba d-Direttur ikun sodisfatt li dawk il-profitti miżmumin ma jistgħux raġonevolment isiru disponibbli jew jiġu gawduti mill-kap tal-familja u mill-konjuġi tiegħu jew taghha.”;

(f) fis-sub-paragrafu (b) tal-paragrafu 1 tat-Taqsima VII taghha, minflok il-kliem “u kull dhul jew privileġġ li jiġi riċevut jew li jitgawda mill-kap tal-familja jew martu, liema minnhom ikun l-akbar dhul.” ghandhom jidhlu l-kliem “u kull dhul jew privileġġ, li jiġi jew li jista’ jiġi riċevut mill-kap tal-familja jew mill-konjuġi tiegħu jew taghha, liema minnhom ikun l-akbar dhul. U għal dan l-għan dak il-privileġġ għandu jkun jinkludi kull profitt miżmum li jkollha xi kumpannija jew impriża kummerċjali ohra li taghha l-kap tal-familja jew il-konjuġi tiegħu jew taghha jkunu azzjonisti jew sidien, kemm-il darba d-Direttur ikun sodisfatt li dawk il-profitti miżmumin ma jistgħux raġonevolment isiru disponibbli jew jiġu gawduti mill-kap tal-familja jew mill-konjuġi tiegħu jew taghha.”;

(g) minnufih wara s-sub-paragrafu (b) tal-paragrafu 1 tat-Taqsima VII taghha ghandha tizzied din il-proviso ġdida li ġejja:

“Izda kull dhul bħal dak li għandu jitqies għall-għanijiet ta’ din it-Taqsima skond id-dispożizzjonijiet ta’ qabel ta’ dan il-paragrafu, għandu jkun jinkludi kull dhul jew privileġġ li l-kap tal-familja u, jew mill-konjuġi tiegħu jew taghha, skond il-każ, u kif imsemmi qabel f’ din it-Taqsima, kien jew kienu, direttament jew indirettament, ċaħhad lilu nnifsu jew ċaħhdu lilhom infushom sabiex ikun jew isir, jew ikunu jew isiru, hekk intitolati b’rata iktar vantaġġuza.”;

(h) is-sub-paragrafu (e) tal-paragrafu 2 tat-Taqsima VII taghha għandu jithassar, u s-sub-paragrafi (f) u (g) tiegħu ghandhom jiġu enumerati mill-ġdid bhala (e) u (f) rispettivament; u

(i) minnufih wara l-paragrafu 4 tat-Taqsima VII taghha ghandu jizdied il-paragrafu li ġej:

“(5) Għall-finijiet ta’ din it-taqsima “konjuġi” għandha tinkludi dik il-mara li fl-opinjoni tad-Direttur qed tghix mal-kap tal-familja daqsliekeku kienet il-mara tiegħu mizzewġa, u fil-każ fejn il-mara tkun, fl-opinjoni tad-Direttur, il-kap tal-familja, raġel li fl-opinjoni tad-Direttur ikun joqghod ma’ dik il-kap tal-familja bhalliekeku kien ir-raġel tagħha mizzewweg matul xi perjodu li matulu l-*allowance* taht din it-Taqsima tkun qegħda jew tista’ tithallas lil kap tal-familja skond id-dispożizzjonijiet ta’ dan l-Att.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 64 tas-16 ta’ Frar, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

23rd February, 1999

ACT No. II of 1999

AN ACT to amend the Social Security Act, Cap. 318.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and
commencement..

1. (1) This Act may be cited as the Social Security (Amendment) Act, 1999, and shall be read and construed as one with the Social Security Act, hereinafter referred to as "the principal Act".

(2) (a) Paragraph (a) of section 2 and sections 4, 5, 17, 18 and 19 shall come into force on such date as the Minister responsible for Social Policy may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of the said paragraphs or the said sections.

(b) Paragraphs (b), (c) and (d) of section 2, sections 7, 8, 10, 11, 12, 15 and section 20 shall be deemed to have come into force on the 3rd January, 1998.

(c) Section 9 shall be deemed to have come into force on the 6th January, 1996.

(d) Section 3 and section 6 shall be deemed to have come into force on the 5th January, 1998.

2. Subsection (1) of section 2 of the principal Act shall be amended as follows:-

Amendment of section 2 of the principal Act.

(a) for the definition of "Director" there shall be substituted the following definition:-

" "Director" in or in respect of the provisions of this Act, other than those of sections 3 to 11, both inclusive, sections 13, 14, 15 and 116, sub-section (2) of section 117, section 123 and subsections (1) and (2) of section 124, and save as otherwise provided, means the Director (Social Security) and includes any officer of the Department designated by him or any public officer designated by the Minister for a particular purpose or class of purposes; and in or in respect of the provisions of this Act excepted as aforesaid, and save as otherwise provided, Director means the Commissioner of Inland Revenue and includes any public officer in his department designated by him:

Provided that in or in respect of the provisions of subsection (2) of section 114 and of sections 119, 120, 121, 122, 125 and 133, the word Director means either the Director (Social Security) or the Commissioner of Inland Revenue, or each of them, as the case may require;" ;

(b) the definition of "blind person" shall be deleted;

(c) in the definition of "severely disabled person", in paragraph (c) immediately after the words "Huntington's Chorea;" there shall be added the words, " Cystic Fibrosis;" and "T C II Deficiency ;";

(d) immediately after the definition of "Umpire", there shall be added the following new definitions :-

" "visually impaired person" means a person whose visual acuity has been certified by an ophthalmologist to be so low as to render such person unable to perform any work for which eyesight is essential;

" widow" means the surviving spouse, whether a widow or a widower, of a married couple who immediately prior to

widowhood had a legal right to be maintained by the other spouse and in relation to widow, wherever it appears, husband shall include wife.”.

Amendment of section 7 of the principal Act.

3. In subsection (2) of section 7 of the principal Act, immediately after the words “paid by the employee and his employer.” there shall be added the following words, “So however that, where an employer binds himself, with the Employment and Training Corporation established under the Employment and Training Services Act, to employ a person who is over the age of forty years and who has been registering for more than one year under Part One of the Register kept in accordance with the provisions of the Employment and Training Services Act, such employer shall be entitled to retrieve from the said corporation a sum equivalent to twenty five per cent of the rate of contribution paid by the employer, as his share in respect of such employee, in accordance with Part I of the Tenth Schedule to this Act.”.

Cap. 343.

Amendment of section 9 of the principal Act.

4. In section 9 of the principal Act, for the words “as may be determined by the Director in consultation with the Commissioner of Inland Revenue or in such other manner as the Minister may from time to time determine with the concurrence of the Minister responsible for finance” there shall be substituted the words “ as may from time to time be determined by the Director”.

Amendment of section 11 of the principal Act.

5. In section 11 of the principal Act, for the words “as may be determined by the Director in consultation with the Commissioner of Inland Revenue or in such other manner as the Minister may from time to time determine with the concurrence of the Minister responsible for finance”, there shall be substituted the words “as may from time to time be determined by the Director”.

Amendment of section 15 of the principal Act.

6. In section 15 of the principal Act, immediately after sub-section (3) there shall be added the following new sub-section (4):-

“(4) With effect from the 5th January, 1998 a self-occupied person who is engaged as a casual social assistant by the Department for the Care of the Elderly, shall be entitled to retrieve from the Director Care of the Elderly the equivalent of the increase in the rate of the Social Security contribution payable by such person as a result of the cost-of-living increase awarded by Government in the rate of the National Minimum Wage as is payable to persons of eighteen years of age or over under the provisions of the Conditions of Employment (Regulation) Act.”.

Cap. 135.

Amendment of section 27 of the principal Act.

7. In subsection (2) of section 27 of the principal Act:-

(a) for the words “a blind person” there shall be substituted the words “a visually impaired person”;

(b) for the words “his blindness” there shall be substituted the words “his visual impairment”; and

(c) for the words “shall be entitled to a Blindness Pension” there shall be substituted the words “shall be entitled to a Pension for the Visually Impaired”.

8. In subsection (1) of section 28 of the principal Act, for the words from “Provided further that-” up to the words “(b) where a person-” there shall be substituted the words, “ Provided further that where a person:-”.

Amendment of section 28 of the principal Act.

9. Section 33A of the principal Act, shall be amended as follows:—

Amendment of section 33A of the principal Act.

(a) in subsection (1) thereof, for the words “two-thirds of her husband’s pensionable income.” there shall be substituted the words “the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act.”; and

(b) in subsection (2) thereof, for the words “two-thirds of her husband’s pensionable income.” ther shall be substituted the words “the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act.”.

10. In section 43 of the principal Act, from the words “ The foregoing provisions of this Part,” up to the words “that form part of his household.” there shall be substituted the words “ The foregoing provisions of this Part shall also apply, mutatis mutandi, in the case of a widower.”.

Amendment of section 43 of the principal Act.

11. Subsection (1) of section 53 of the principal Act shall be amended as follows:-

Amendment of section 53 of the principal Act.

(a) in paragraph (ii) thereof, for the words “smaller number of years less than thirty years,” there shall be substituted the words “smaller number of years, or”; and

(b) immediately after paragraph (ii) thereof, there shall be added the following new paragraph:-

“(iii) in awarding a Survivor’s pension in accordance with the proviso to section 34 of this Act, for such other smaller number of years as may correspond to the number of years since the eighteenth birthday of the deceased spouse and the date of his death,”.

Amendment of section 77 of the principal Act.

12. In section 77 of the principal Act, for the words “ or a blind person in accordance with the provisions of this Act.” there shall be substituted the words “ or a visually impaired person in accordance with the provisions of this Act.” and, in the proviso thereto for the words “ a blind child” there shall be substituted the words “a visually impaired child” and, in the further proviso thereto for the words “in the case of a blind child” there shall be substituted the words “in the case of a visually impaired child” .

Amendment of section 84 of the principal Act.

13. Section 84 of the principal Act shall be amended as follows:-

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) as renumbered there shall be added the following subsection:-

“(2) For the purposes of subsection (1) of this section the Minister may by such regulations amend or substitute any of the schedules to this Act or index thereto.”.

Addition of new section 84A to the principal Act.

14. Immediately after section 84 of the principal Act there shall be added the following new section:-

“Subsidies to Day Care Centres .

84A. The Minister may from time to time by regulations under this section, establish schemes, whereby subsidies may be paid by the Director, in respect of children attending Child Day Care Centres run by Government or any other institution as may be specified in the regulations, and may by such regulations prescribe the amount of subsidy, the person in respect of whom such subsidy is to be paid, and the manner in which the entitlement of such person is assessed. Such subsidy shall in each case be paid directly to the institution running the centre and shall not be taken into account in calculating the income of the head of household of which the child forms part for the purposes of this or any other law.”.

15. In paragraph (ii) of the further proviso to subsection (2) of section 97 of the principal Act, for the words "received in good time if such a delay does not exceed a period of four weeks." there shall be substituted the words "received in good time, either

Amendment of section 97 of the principal Act.

(a) if such a delay does not exceed a period of one hundred and four weeks, or

(b) in the case of a Disabled Child Allowance if the delay was due in the time taken to process conclusive medical evidence of such disability, or

(c) in the case of a Children's Allowance, if such allowance was in payment prior to the first Saturday of July, 1996 and the Director is satisfied that the beneficiary had not been requested to submit a declaration in accordance with the provisions of Part VII of the Second Schedule to this Act."

16. Immediately after subsection (3) of section 102 of the principal Act, there shall be added the following new sub-section (4):—

Amendment of section 102 of the principal Act.

"(4) Where any person who is in receipt of any benefit, pension, allowance or assistance payable under this Act has received any sum by way of benefit, pension, allowance or assistance under this Act to which he was not entitled in terms of the provisions of this Act, and subsequently becomes entitled to a lump sum by way of any arrears of benefit, pension, allowance or assistance payable under this Act as a result of any revision, re-assessment or entitlement to new benefit, pension or allowance under this Act, then any sum still due to be refunded in terms of subsection (1) of this section shall, to the extent that such sum can be so deducted, be deducted from any arrears to which he may subsequently become entitled as aforesaid."

17. In section 125 of the principal Act the words "or to the Commissioner of Inland Revenue on behalf of the Director" shall be deleted.

Amendment of section 125 of the principal Act.

18. For section 132 of the principal Act there shall be substituted the following:-

Substitution of section 132 of the principal Act.

"132. (1) The Administration of this Act is vested in the Director (Social Security) or, as the case may require, in the Commissioner of Inland Revenue.

(2) In addition to any other functions or duties assigned to him by or under any other law, the Director (Social Security) shall, subject to the supervision and control of the Minister, carry out such functions and duties as may from time to time, be assigned to him by the Government.”.

Amendment of section 133 of the principal Act.

19. Section 133 of the principal Act shall be amended as follows:-

(a) in paragraph (a) thereof, for the words “the Department” there shall be substituted the words “his Department”; and

(b) in the second proviso to paragraph (b) thereof, after the words “the Department” there shall be added the word “concerned”.

Amendment of the Second Schedule to the principal Act.

20. The Second Schedule to the principal Act shall be amended as follows:-

(a) for sub-paragraph (b) of paragraph 4 of Part II thereof, there shall be substituted the following:-

“(b) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant and Sickness Assistance payable under this Act and any pension or pensions (whether paid under this Act or not) up to a maximum aggregate amount equivalent to the aggregate of the highest rate of the National Minimum Pension, inclusive of the Additional Allowance payable according to the claimant’s marital status as is specified in the Twelfth Schedule to this Act;”;

(b) in sub-paragraph (d) of paragraph 4 of Part II, in sub-paragraph (d) of paragraph 4 of Part III, and in sub-paragraph (d) of paragraph 2 of Part VIII respectively thereof for the words “76.8%” there shall be substituted the words “78.3%” wherever they appear;

(c) for sub-paragraph (b) of paragraph 4 of Part III thereof, there shall be substituted the following:-

“(b) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant and Sickness Assistance payable under this Act and any pension or pensions (whether paid under this Act or not) up to a maximum aggregate amount equivalent to the aggregate of the highest rate of the National Minimum Pension, inclusive of the Additional Allowance payable according to the claimant’s marital status as is specified in the Twelfth Schedule to this Act;”;

(d) in paragraph 4 of Part V thereof for the words "Blindness Pension" there shall be substituted the words "Pension for the Visually Impaired";

(e) in sub-paragraph (a) of paragraph 1 of Part VII thereof for the words "and any income or privilege which is received or enjoyed by the head of household and his wife." there shall be substituted the words "and any income or privilege, which is or could be received or enjoyed by the head of household and his or her spouse. And for this purpose such privilege shall include any retained profits held by any company or other commercial enterprise of which the head of household and his or her spouse are shareholders or owners, unless the Director is satisfied that such retained profits could not reasonably be made available or enjoyed by the head of the household and his or her spouse.";

(f) in sub-paragraph (b) of paragraph 1 of Part VII thereof, for the words "and any income or privilege which is received or enjoyed by the head of household or his wife, whichever is the greater income." there shall be substituted the words "and any income or privilege, which is or could be received or enjoyed by the head of household or his or her spouse, whichever is the greater income. And for this purpose such privilege shall include any retained profits held by any company or other commercial enterprise of which the head of household or his or her spouse are shareholders or owners, unless the Director is satisfied that such retained profits could not reasonably be made available or enjoyed by the head of household or his or her spouse.";

(g) immediately after sub-paragraph (b) of paragraph 1 of Part VII thereof, there shall be added a new proviso:

" Provided that any such income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this paragraph, shall include any income or privilege which the head of household and, his or her spouse, as the case may be, and as aforesaid in this Part, had directly or indirectly deprived himself or deprived themselves in order to become entitled to an allowance or to become so entitled at a more advantageous rate.";

(h) sub-paragraph (e) of paragraph 2 of the said Part VII thereof shall be deleted, and sub-paragraphs (f) and (g) thereof shall be renumbered as (e) and (f) respectively; and

(i) immediately after paragraph 4 of Part VII thereof, there shall be added the following paragraph:

“(5) For the purpose of this Part “spouse” includes such woman who in the opinion of the Director, is living with the head of household as if she were his lawful wedded wife and in the case where a female is in the opinion of the Director, the head of household, a male who in the opinion of the Director is living with such head of household as if he were her lawful wedded husband, during any period in which an allowance under this Part is being, or could be, paid to the head of household under the provisions of this Act.”.

Passed by the House of Representatives at Sitting No. 64 of 16th February, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives